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BEFORE THE

Federal Communications Commission

WASHINGTON, D. C.

Federal Communications Commission
Office of the Secretary

In the Matter of

Advanced Television Systems
and Their Impact on the Existing
Television Broadcast Service

MM Docket No. 87-268 ✓
RM-5811

Review of Technical and Operational
Requirements: Part 73-E, Television
Broadcast Stations

Reevaluation of the UHF Television
Channel and Distance Separation
Requirements of Part 73 of the
Commission's Rules

To the Commission:

JOINT COMMENTS

Cosmos Broadcasting Corporation and H & C
Communications, Inc. ["Joint Parties"] by their attorneys,
submit herewith their Joint Comments in response to the
Commission's Notice of Inquiry in the above-captioned
proceeding.^{1/}

^{1/} Notice of Inquiry, MM Docket No. 87-268, 2 FCC Rcd. 5125
(1987) ["Notice"]. The Joint Parties and certain of their
subsidiaries are licensees of television stations. The Joint
Parties thus have a significant interest in Commission action
which facilitates expeditious implementation of a fully
competitive domestic HDTV system.

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Introduction

The Commission's Notice^{2/} institutes a comprehensive inquiry into the myriad issues surrounding advanced television ["ATV"] systems.^{3/} By the Notice and related actions,^{4/} the Commission has recognized the serious implications of HDTV for the future of local off-air broadcasting service. The Joint Parties applaud the Commission for its prompt response to a matter of immediate public interest concern, and urge it to be no less prompt and responsive in issuing a decision herein.

Comments filed this date on behalf of the Association of Maximum Service Telecasters ["MST"] include a

2/ The Notice was issued in response to a "Petition for Notice of Inquiry" (RM-5811) filed by 58 interested parties, including the Joint Parties. That Petition demonstrates the significance and complexity of issues relating to HDTV spectrum allocation and the establishment of effective HDTV standards, as well as the compelling competitive considerations which call for their expeditious but thorough consideration and resolution by the Commission. Its arguments thus need not be repeated here.

3/ The Notice uses ATV as a term which encompasses various technologies which produce television pictures with a technical quality superior to that now available on existing NTSC receivers. Included are improved NTSC and enhanced 525-line systems which do not require more than the 6 MHz channels now used by television stations, as well as high definition television ["HDTV"] systems which generally involve use of more than 6 MHz of spectrum.

4/ See Order, Gen. Docket No. 85-172, FCC 87-327 (October 21, 1987) (deferring action in the rulemaking proceeding concerning further sharing of the UHF Television Band by land mobile services) ["Deferral Order"]; Public Notice, "Chairman Patrick Names Advanced Television Service Advisory Committee" (October 9, 1987); Order, RM-5811 (July 17, 1987) (temporarily freezing the TV Table of Allotments in certain areas).

comprehensive discussion of the principal technical and policy issues raised by the Notice. In particular, MST demonstrates that the introduction of HDTV will significantly improve the quality of video services which will be available to and demanded by the public. Video delivery systems which cannot respond to that demand will not be able to compete effectively. As MST indicates, the public interest demands that local broadcasters be able to compete effectively in the provision of HDTV. Moreover, compatibility with existing television receivers and broadcast channels is a critical element in any HDTV system.

MST's Comments also discuss efforts which are now and have been underway to develop and evaluate ATV systems. MST points out that establishment of HDTV standards, including determinations concerning trade-offs and protection standards, is interrelated with and dependent upon spectrum allocation decisions. For example, current technology indicates that spectrum capacity in excess of the 6 MHz channels currently allocated for television station use may be essential to HDTV, but that specifics of appropriate technical criteria cannot now be determined.

Finally, MST discusses the practical and legal difficulties associated with flexible spectrum allocation and private negotiation of interference rights.

MST's Comments, in short, contain a thorough discussion of the issues raised by the Notice. The Joint

Parties thus will not burden the record herein with a reiteration of MST's arguments, but will instead simply state their support for and endorsement of MST's position.

The Joint Parties do, however, urge the Commission not to reallocate any spectrum which is potentially necessary to terrestrial broadcasters' provision of HDTV prior to its basic decisions concerning HDTV's future in this country: to do so would be to prejudge those decisions.

At present, it appears that full accommodation of HDTV will require use of additional spectrum, and that the best available spectrum involves UHF frequencies already allocated for television broadcast use. If those frequencies are reallocated and then subsequently prove necessary for HDTV (and current technology indicates that this will be the case), institution of nationwide over-the-air local HDTV would forever be precluded,^{5/} thereby disserving the public interest and transforming this inquiry and any subsequent rulemaking proceedings into futile paper exercises.^{6/}

^{5/} Studies clearly indicate that those frequencies are not immediately needed for land mobile use. See, e.g., "FOB 9/18/85 Working Paper on the 800 MHz Land Mobile Channel Occupancy;" "1986 FOB Monitoring Data (Atlanta);" Comments of MST on Commission Documents, Gen. Docket No. 85-172 (June 10, 1987).

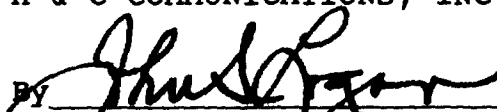
^{6/} The Commission itself recognized this to some extent in its Deferral Order, observing that "...the future of television technology is a matter of great importance and...we must have an adequate body of knowledge on which to base our decisions before foreclosing any options." Deferral Order, supra, at par. 8.

Given the lack of a demonstrated need for land mobile use of UHF spectrum and the obvious detriments of an irreversible immediate reallocation decision, spectrum clearly should not be reallocated until the Commission has the benefit of a complete record concerning the technical and policy implications of HDTV. The Commission should bring this inquiry and subsequent rulemaking proceedings to the most expeditious conclusion possible, consistent with the need for thorough evaluation of its complex technical issues; it should not, however, do possibly irreparable harm by making premature spectrum allocation decisions.

The Joint Parties commend the Commission' prompt initiation of this inquiry and its apparent recognition of the tremendous implications of the imminence of HDTV. It urges the Commission to continue that recognition by acting expeditiously to resolve HDTV issues in a manner consistent with these Comments and those of MST.

Respectfully submitted,

COSMOS BROADCASTING CORPORATION
H & C COMMUNICATIONS, INC.

By 
Werner K. Hartenberger
John S. Logan
Suzanne M. Perry

Their Attorneys

Dow, Lohnes & Albertson
1255 - 23rd Street N.W.
Washington, D.C. 20037

202-857-2500
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